

Public Hearing/ Special Session

Agenda Item #	# 2 - Public Hearing # 6 - Resolution (1 st reading)
Meeting Date	July 5, 2005
Prepared By	Linda Perlman Asst. City Attorney
Approved By	Barbara B. Matthews City Manager

Discussion Item	Proposed Charter Amendment to Allow More Flexibility in Scheduling the City's Nominating Caucus.
Background	<p>The dates of the City's biennial election and nominating caucus are set by the Municipal Charter of the City of Takoma Park. Pursuant to Charter section 602(a), the municipal election takes place "[o]n the first Tuesday after the first Monday in November in every odd-numbered year . . ." and, pursuant to Charter section 604(a), the nominating caucus, <i>i.e.</i>, the meeting of citizens at which nominations for Mayor and Councilmember are made, is "held on the Tuesday evening five weeks prior to the election." This year, the municipal election is scheduled for November 8, 2005, which means that the nominating caucus will be on October 4, 2005. The date of the nominating caucus, October 4, 2005, is during the Jewish New Year holiday of Rosh Hashanah and on the first night of the Muslim holy month Ramadan.</p> <p>The proposed Charter Amendment would allow the City Clerk to schedule the nominating caucus for any day between five and six weeks before the municipal election. An alternate proposal put forth by Mayor Porter would set the nominating caucus for any day between four and five weeks before the municipal election. Under either proposal, the nominating caucus could be scheduled to avoid conflicts with religious holidays or other events that might impede public participation in the City's nominating caucus.</p>
Policy	The Council seeks to maximize public participation in the nominating process for candidates for election as Mayor and Councilmembers.
Fiscal Impact	The Charter amendment process requires a series of legal notices to be published in a newspaper of general circulation in the City: two weekly notices of the public hearing on the proposed Charter amendment and four weekly notices containing a fair summary of the Charter amendment. Publication costs are estimated at \$2,000-\$2,500.
Attachments	<p>(1) City of Takoma Park Charter Amendment Resolution No. 2005-1</p> <p>(2) Mayor Porter's alternate proposal for amendment of Section 604(a) of the Municipal Charter of the City of Takoma Park.</p>
Recommendation	<p>(1) Hold a public hearing on the proposed amendment to Charter Section 604(a) and consider Charter Amendment Resolution No. 2005-1 at first reading.</p> <p>(2) Set a date for the 2005 Nominating Caucus.</p>
Special Consideration	

Introduced By:

Introduction and First Reading:
Second Reading and Adoption:

**CITY OF TAKOMA PARK
CHARTER AMENDMENT RESOLUTION NO. 2005-1**

**A Resolution to Amend the Municipal Charter of the City of Takoma Park
to Permit Greater Flexibility in Scheduling the City's Nominating Caucus to Make
Nominations for the Election of Mayor and Councilmembers.**

SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, pursuant to Article XI-E of the Constitution of the State of Maryland, Article 23A of the Annotated Code of Maryland, and Article V, Amendment Procedures of the Municipal Charter of the City of Takoma Park, that the Municipal Charter of the City of Takoma Park is amended as follows:

Section 604. Nominations.

(a) Nominations for Mayor and Councilmembers shall be made at a meeting of citizens called by the City Clerk at the direction of the Council. Such meeting shall be held at a convenient place within the City to be designated by the Council and notice thereof shall be given through a newspaper or newspapers of general circulation within the City and/or by handbills generally distributed and posted throughout the City. [and the] THE MEETING SHALL BE HELD ON [the Tuesday evening five] A DATE SELECTED BY THE COUNCIL THAT IS NO MORE THAN SIX WEEKS AND NO LESS THAN FIVE WEEKS PRIOR TO THE ELECTION. The City Clerk shall preside at the meeting; a qualified voter of the City shall be chosen as secretary of the meeting by the qualified voters of the City present; the secretary shall keep a record of the proceedings of the meeting and file the same in the office of the City Clerk.

Explanatory Note: ALL CAPITAL LETTERS indicate language being added to the Charter and **bold [brackets]** indicate language being deleted from the Charter.

SECTION 2. BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, that the date of adoption of this Charter Amendment Resolution is _____, 2005, and the amendment of the Municipal Charter of the City of Takoma Park enacted by this Resolution shall become effective on _____, 2005 (50 days after its passage), unless a proper petition for referendum shall be filed as permitted by Section 502 of the Municipal Charter of the City of Takoma Park and Annotated Code of Maryland, Article 23A, Section 13, provided that a complete and exact copy of this Charter Amendment Resolution shall be continuously posted on the bulletin board at the Municipal Building from _____, 2005, until _____, 2005 (a period of at least 40 days following its adoption), and provided further that a fair summary of the proposed Charter amendment shall be published in a newspaper of general circulation in the City of Takoma Park once a week for four weeks.

SECTION 3. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, that the City Clerk is specifically directed to carry out the provisions of Section 2 of this Resolution and, as evidence of this compliance, the City Clerk shall maintain appropriate certificates of the publication of the newspaper in which the fair summary of the Charter Amendment Resolution shall have been published. If a favorable referendum is held on the proposed amendment, the Council shall proclaim the proposed Charter Amendment hereby enacted to have been approved by the voters and the Charter Amendment shall become effective on the date provided by law.

SECTION 4. AND BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, that as soon as the Charter Amendment enacted by this Resolution shall become effective, either as provided in this Resolution or following a referendum, the City Clerk shall send by mail, to the Department of Legislative Services of Maryland, a complete certified copy of this Charter Amendment Resolution showing the number of votes, whether in the Council or in a referendum, cast for or against the Charter Amendment enacted by this Resolution, and the effective date of the Charter Amendment.

The above Charter Amendment was enacted by the foregoing Resolution which was passed at a meeting of the Council of the City of Takoma Park, on the ____ day of _____, 2005, ____ members of the Council voting in the affirmative, ____ members of the Council voting in the negative, ____ members of the Council abstaining, and ____ members of the Council absent, and the said Charter Amendment Resolution becomes effective in accordance with the law on the ____ day of _____, 2005.

THIS CHARTER AMENDMENT RESOLUTION IS ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK THIS ____ DAY OF _____, 2005, BY ROLL CALL VOTE AS FOLLOWS:

Aye:

Nay:

Abstained:

Absent:

[signature page for Charter Amendment Resolution No. 2005-1]

COUNCIL OF THE CITY OF TAKOMA PARK

Kathryn Porter, Mayor

Joy Austin-Lane, Councilmember, Ward 1

Heather Mizeur, Councilmember, Ward 2

Bruce Williams, Councilmember, Ward 3

Terry Seamens, Councilmember, Ward 4

Marc Elrich, Councilmember, Ward 5

Douglas Barry, Councilmember, Ward 6

ATTEST:

Jessie Carpenter, City Clerk

Date: _____

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Mayor Porter's alternative proposal for amendment of Section 604(a) of the Municipal Charter of the City of Takoma Park:

Section 604. Nominations.

(a) Nominations for Mayor and Councilmembers shall be made at a meeting of citizens called by the City Clerk at the direction of the Council. Such meeting shall be held at a convenient place within the City to be designated by the Council and notice thereof shall be given through a newspaper or newspapers of general circulation within the City and/or by handbills generally distributed and posted throughout the City. [and the] THE MEETING SHALL BE HELD ON [the Tuesday evening five] A DATE SELECTED BY THE COUNCIL THAT IS NO MORE THAN ~~SIX~~ **FIVE** WEEKS AND NO LESS THAN ~~FIVE~~ **FOUR** WEEKS PRIOR TO THE ELECTION. The City Clerk shall preside at the meeting; a qualified voter of the City shall be chosen as secretary of the meeting by the qualified voters of the City present; the secretary shall keep a record of the proceedings of the meeting and file the same in the office of the City Clerk.

Explanatory Note to Mayor Porter's alternative proposal:

1. ALL CAPITAL LETTERS and ~~STRIKEOUT~~ indicate deletions from the proposed amendment of Charter Section 604(a).
2. **UNDERLINED**, **bold**, and **ALL CAPITAL LETTERS** indicate additions to the proposed amendment of Charter Section 604(a).